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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,758

11/17/2005

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110120.402

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05/11/2009

EXAMINER

LEE, EDMUND H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

05/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/09 has been entered.
2. Claims 15-18,23-25, and 28 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Limiting foaming during contact with the thermoforming die to a small percentage (2% to 30%) is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The instant disclosure clearly recites the importance of allowing only a small percentage of foaming (2% to 30%) to take place during contact with the thermoforming die in order to create better detail, save energy, and reduce cycle time. See pg 22, lns 1-17 of priority provisional application 60/471477.
3. Claims 15-18,23-25, and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "thermoforming-foaming...into the shaped article of manufacture" (cl 12, lns 15-16) is indefinite because it is confusing as to whether or not the

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thermoforming-foaming occurs in a single thermoforming mold. If so, please insert the phrase --while in a thermoforming mold-- after "thermoforming-foaming" (cl 15, ln 15).

Correction is required.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following teach the state of the art: US 20090104420 and EP 371392.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571.272.1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDMUND H. LEE  
Primary Examiner  
Art Unit 1791

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/EDMUND H. LEE/  
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